

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

AUG 17 PM 12:45  
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TODD PHILLIPS,

Petitioner,

v.

RICK THALER, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:11-CV-0098

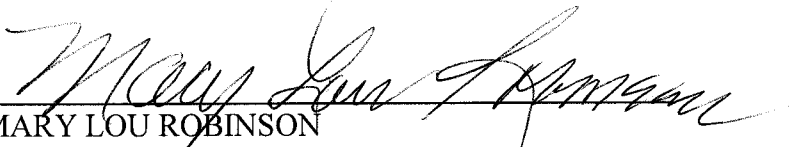
**ORDER ADOPTING REPORT AND RECOMMENDATION,**  
**OVERRULING PETITIONER'S OBJECTIONS,**  
**ADOPTING SUPPLEMENTAL REPORT AND RECOMMENDATION, and**  
**DISMISSING GROUNDS (1) - (3) OF THE**  
**PETITION FOR A WRIT OF HABEAS CORPUS**

Petitioner has filed with this Court a petition for a federal writ of habeas corpus. On June 27, 2011, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the instant habeas application be dismissed as time barred. On July 8, 2011, petitioner filed objections to the Report and Recommendation. On July 21, 2011, in response to petitioner's objections, the Magistrate Judge issued a Supplemental Report and Recommendation in this cause, identifying a fourth ground for relief not specifically alleged in petitioner's earlier pleadings. Respondent has been ordered to file a responsive pleading to this ground. In the Supplemental Report and Recommendation, the Magistrate Judge again recommended that grounds (1) - (3) of petitioner's habeas application be dismissed as time barred. As of this date, petitioner has not filed objections to the Supplemental Report and Recommendation.

Having made an independent examination of the record in this case, the undersigned United States District Judge is of the opinion petitioner's objections should be OVERRULED as cured by the Supplemental Report and Recommendation. The Magistrate Judge's Report and Recommendation and Supplemental Report and Recommendation should be, and hereby are, ADOPTED. Accordingly, grounds (1) - (3) of the petition for a writ of habeas corpus are hereby DISMISSED.

IT IS SO ORDERED.

ENTERED this 17<sup>th</sup> day of August 2011.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE